

### ***REMARKS***

This is a full and timely response to the outstanding Office action mailed June 30, 2005. Upon entry of this response claims 1-20 and 22-35 remain pending.

#### **I. Present Status of Patent Application**

Claims 1-3, 6-10, 12, 14, 16-19, 23-25, 27, 29, 32, and 34 are rejected under 35 U.S.C. §102 (e) as allegedly being unpatentable over *Brown*, (U.S. Patent No. 6,014,711). Claim 4 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Chuah et al* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Kozdon et al* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Rogers et al* (U.S. Patent No. 6,301,484). Claims 13, 20, and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Bookspan et al* (U.S. Patent No. 6,636,888). Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* in view of *Lewis* (U.S. Patent No. 6,513,019). Claims 28 and 31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Ooe* (U.S. Patent No. 6,330,238). ). Claims 33 and 35 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Lewis* (U.S. Patent No. 6,513,019) further in view of *Bookspan et al* (U.S. Patent No. 6,636,888). These rejections are respectfully traversed.

#### **II. Examiner Interview**

Applicant first wishes to express his sincere appreciation for the time that Examiner Avi Gold spent with Applicant's Attorneys Jeff Kuester and Benjamin Balser during an August 25, 2005 telephone discussion regarding the above-identified Office Action. Applicant believes that the format of a non-email broadcast message as not disclosed in *Brown* were discussed during the telephone interview, and that they are resolved herein. During that conversation, Examiner Gold seemed to indicate that it would be potentially beneficial for Applicant to file this response. Thus, Applicant respectfully requests that Examiner Gold carefully consider this response.

### III. Rejections Under 35 U.S.C. §102(e)

#### A. Claims 1, 16, 29, and 34

The Office Action rejects claims 1, 16, 29, and 34 under 35 U.S.C. §102(e) as being unpatentable over *Brown* (U.S. Patent No. 6,014,711 ). For the reasons set forth below, Applicant respectfully traverses the rejection. Each claim has a different combination of elements, which distinguish each claim from the references of record. Consequently, each claim should be analyzed separately for patentability.

#### **Independent claim 1** recites:

1. A method for sending electronic mail from a client operating within a client-server architecture, the method comprising the steps of:

- (a) ***provisioning the client with client non-email broadcast messaging software***;
- (b) provisioning a server with server non-email broadcast messaging software, wherein the server is in communication with the client;
- (c) broadcasting from the client a message in a format of the non-email broadcast messaging software, wherein the message contains the electronic mail;
- (d) receiving the message at the server;
- (e) reformatting the message from a format of the non-email broadcast messaging software to a format compatible with an email server; and
- (f) forwarding the reformatted message to the email server.

For a proper rejection of a claim under 35 U.S.C. §102, the cited reference must disclose, teach, or suggest all elements/features/steps of the claim at issue. *See, e.g., E.I. du Pont de Nemours & Co. v. Phillips Petroleum Co.*, 849 F.2d 1430, 7 U.S.P.Q.2d 1129 (Fed. Cir. 1988).

Applicant respectfully submits that independent claim 1 is allowable for at least the reason that *Brown* does not disclose, teach, or suggest at least **provisioning the client with client non-email broadcast messaging software**. The Office Action claims that *Brown* teaches this

element: “the telephone subscriber 32 creates a voice mail message by dialing into the voice mail system.” See *Brown*, col. 5, lines 19-20. However, the voice mail system of *Brown* fails to disclose broadcast messaging software. As described in the specification of the instant application, “‘broadcast’ means to transmit a message from a single network component (e.g., a client) to all network components (e.g., clients and servers) with which the single network component is in communication.” See *Application*, pg. 2, lines 17-20. The voice mail system of *Brown* uses a unique identifier for sending a voice mail message. “The application process extracts the unique identifier for the recipient of the voice message and passes the identifier in step 46 to the LDAP directory process 16 which formulates an LDAP query using the unique identifier and dispatches it over the Internet in step 48 to a directory server 34.” See *Brown*, col. 5, lines 29-34. Therefore, *Brown* fails to disclose provisioning the client with client non-email broadcast messaging software. Since *Brown* does not anticipate independent claim 1, the rejection should be withdrawn.

B. Claims 2-3, 6-10, 12, 14, 17-19, 23-25, 27, and 32

The Office Action rejects claims 2-3, 6-10, 12, 14, 17-19, 23-25, 27, and 32 under 35 U.S.C. §102(e) as being unpatentable over *Brown* (U.S. Patent No. 6,014,711 ). For the reasons set forth below, Applicant respectfully traverses the rejection.

Because the independent claims are allowable over the references of record, the corresponding dependent claims (which depend from the independent claims) are allowable as a matter of law for at least the reason that the dependent claims contain all the steps/features of the independent claims. See *Minnesota Mining and Manufacturing Co. v. Chemque, Inc.*, 303 F.3d 1294, 1299 (Fed. Cir. 2002) *Jeneric/Pentron, Inc. v. Dillon Co.*, 205 F.3d 1377, 54 U.S.P.Q.2d 1086 (Fed. Cir. 2000); *Wahpeton Canvas Co. v. Frontier Inc.*, 870 F.2d 1546, 10 U.S.P.Q.2d 1201 (Fed. Cir. 1989). Therefore, the rejection to the dependent claims should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of the independent claims, the dependent claims recite further features and/or combinations of features,

as are apparent by examination of the claims themselves that are patently distinct from the references of record. Hence there are other reasons why the dependent claims are allowable.

**IV. Rejections Under 35 U.S.C. §103(a)**

Claims 4, 5, 11, 13, 15, 20, 22, 26, 28, 30, 31, 33, and 35

The Office Action rejects claim 4 under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Chuah et al* (U.S. Patent No. 6,400,722). Claim 5 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Kozdon et al* (U.S. Patent No. 6,456,601). Claim 11 is rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Rogers et al* (U.S. Patent No. 6,301,484). Claims 13, 20, and 22 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Bookspan et al* (U.S. Patent No. 6,636,888). Claims 15, 26, and 30 are rejected under 35 U.S.C. 103(a) as allegedly being unpatentable over *Brown* in view of *Lewis* (U.S. Patent No. 6,513,019). Claims 28 and 31 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Ooe* (U.S. Patent No. 6,330,238). ). Claims 33 and 35 are rejected under 35 U.S.C. §103(a) as allegedly being unpatentable over *Brown* in view of *Lewis* (U.S. Patent No. 6,513,019) further in view of *Bookspan et al* (U.S. Patent No. 6,636,888). For the reasons set forth below, Applicant respectfully traverses the rejection.

Because the independent claims are allowable over the cited references of record, the dependent claims (which depend from the independent claims) are allowable as a matter of law for at least the reason that the dependent claims contain all the steps/features of the independent claims. Therefore, the rejection to the dependent claims should be withdrawn and the claims allowed.

Additionally and notwithstanding the foregoing reasons for allowability of the independent claims, the dependent claims recite further features and/or combinations of features, as are apparent by examination of the claims themselves, that are patently distinct from the cited references of record. Hence there are other reasons why the dependent claims are allowable.

Additionally, with regard to the rejection of claims 4, 5, 11, 13, 15, 20, 22, 26, 28, 30, 31, 33, and 35, *Chuah, Kozdon, Rogers, Ooe, Lewis, and Bookspan* do not make up for the deficiencies of *Brown* noted above. Therefore, claims 4, 5, 11, 13, 15, 20, 22, 26, 28, 30, 31, 33, and 35 are considered patentable over any combination of these documents.

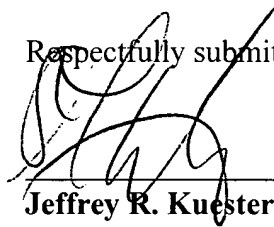
**V. Miscellaneous Issues**

Any other statements in the Office Action that are not explicitly addressed herein are not intended to be admitted. In addition, any and all findings of inherency are traversed as not having been shown to be necessarily present. Furthermore, any and all findings of well-known art and official notice, or statements interpreted similarly, should not be considered well known since the Office Action does not include specific factual findings predicated on sound technical and scientific reasoning to support such conclusions.

***CONCLUSION***

For at least the reasons set forth above, Applicant respectfully submits that all objections and/or rejections have been traversed, rendered moot, and/or accommodated, and that the now pending claims 1-20 and 22-35 are in condition for allowance. Favorable reconsideration and allowance of the present application and all pending claims are hereby courteously requested. If, in the opinion of the Examiner, a telephonic conference would expedite the examination of this matter, the Examiner is invited to call the undersigned agent at (770) 933-9500.

Respectfully submitted,



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